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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,755	10/07/2003	Penny J. Thompson	02-22	5495

7590 03/24/2006

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EXAMINER	
CHANDRA, GYAN	
ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,755	THOMPSON ET AL.	
	Examiner	Art Unit	
	Gyan Chandra	1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2004*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-36* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-22, drawn to a method of reducing inflammation in the intestine of a mammal comprising administering a Zven1 antagonist, classified in class 514, subclass 1.

II. Claims 1-22, drawn to a method of reducing inflammation in the intestine of a mammal comprising administering a Zven2 antagonist, classified in class 514, subclass 1.

III. Claims 23, 26, 27, 30, drawn to a method of detecting inflammatory bowel disease in a biological sample comprising screening the sample for a polynucleotide sequence, classified in class 435, subclass 6.

IV. Claims 24-25, 28-29, drawn to a method of detecting inflammatory bowel disease in a biological sample comprising screening the sample for a polypeptide sequence, classified in class 435, subclass 7.1.

V. Claims 31-34, drawn to a method of treating inflammatory bowel disease in a mammal comprising administering the mammal a polypeptide, classified in class 514, subclass 2.

VI. Claims 35-36, drawn to a method of treating inflammatory bowel disease in a mammal comprising administering the mammal a polynucleotide, classified in class 514, subclass 44.

The inventions are distinct, each from the other because of the following reasons:

Inventions I/II/III/IV/V and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case the method of reducing inflammation in the intestine of a mammal comprising administering a Zven1 antagonist (Group I), the method of reducing inflammation in the intestine of a mammal comprising administering a Zven2 antagonist (Group II), the method of detecting inflammatory bowel disease in a biological sample comprising screening the sample for a polynucleotide sequence (Group III), the method of detecting inflammatory bowel disease in a biological sample comprising screening the sample for a polypeptide sequence (Group IV), the method of treating inflammatory bowel disease in a mammal comprising administering the mammal a polypeptide (Group V), and the method of treating inflammatory bowel disease in a mammal comprising administering the mammal a polynucleotide (Group VI), are all unrelated as they comprise distinct method steps and/or utilize different products which demonstrates that each method has a different mode of operation. Each invention performs this function using structurally and functionally divergent materials, and are not disclosed to be used together. For these reasons the Inventions I/II/III/IV/V and VI are patentably distinct.

Searching the inventions of Groups I/II/III/IV/V and VI together would impose undue search burden. The inventions of Groups I/II/III/IV/V and VI have a separate status in the art and as such they would require different search strategy for art, i.e., NPL. In the instant case, the search for Groups I/II/III/IV/V and VI are not coextensive.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their different classification and/or recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Further Restriction

2. If Groups III or IV is elected, a further restriction to one of the following inventions is required under 35 U.S.C. 121:

Nucleic Acids. The inventions of Group III and VI as they pertain to each of nucleic acid sequences as SEQ ID NO: 1 or 4, classified in class 435, subclass 6.

Each of the claimed nucleic acid sequences are composed of different purine and pyrimidine units and are structurally distinct molecules. Each sequence requires a unique separate search of the prior art. Searching two claimed sequences would constitute an undue burden on the examiner and the USPTO's resource because of the non-coextensive nature of these searches. Therefore, Applicant must choose 1 sequence from the Nucleic Acids group against which the search should be performed.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their separate search requirements, restriction for examination purposes as indicated is proper.

3. If Groups IV or V is elected, a further restriction to one of the following inventions is required under 35 U.S.C. 121:

Polypeptides. The inventions of Groups IV and V as they pertain to the amino acid sequences of SEQ ID NO: (2 and 29) or 5, classified in class 530,

subclass 350.

Because SEQ ID NO: 2 is a shortend version of SEQ ID NO: 29, these are grouped together.

Each of the claimed polypeptide sequences are composed of different amino acids and are structurally distinct molecules. Each sequence requires a unique separate search of the prior art. Searching all of the above claimed sequences would constitute an undue burden on the examiner and the USPTO's resource because of the non-coextensive nature of these searches. Therefore, Applicant must choose either SEQ ID NO: 2 and 29, or SEQ ID NO: 5.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their separate search requirements, restriction for examination purposes as indicated is proper.

4. If Groups I or II is elected, a further restriction to one of the following inventions is required under 35 U.S.C. 121:

Antagonists. The inventions of Groups I and II as they pertain to:

(i) antibody to SEQ ID NO: 2 and 29 (Group I)

(ii) antibody to SEQ ID NO: 5 (Group II)

(iii) receptor of SEQ ID NO: 2 and 29 (Group I)

(iv) receptor of SEQ ID NO: 5 (Group II)

Each antagonist requires a unique separate search of the prior art. Searching all of the above claimed sequences would constitute an undue burden on the examiner

and the USPTO's resource because of the non-coextensive nature of these searches. Therefore, Applicant must choose 1 antagonist from the Groups antagonists against which the search should be performed.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their separate search requirements, restriction for examination purposes as indicated is proper.

If Applicant selects one group from Groups I or II, one antagonist from the Groups antagonists must be chosen to be considered fully responsive. If Applicant selects one group from Groups III or VI, one polynucleotide sequence from the Groups Polynucleotides must be chosen to be considered fully responsive. If Applicant selects one group from Groups IV or V, one polypeptide sequence from the Groups Polypeptides must also be chosen to be considered fully responsive.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gyan Chandra whose telephone number is (571) 272-2922. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gyan Chandra, Ph.D.
Art Unit 1646
09 March 2006
Fax: 571-273-2922

EILEEN B. O'HARA
PRIMARY EXAMINER